

Andoh, Roger D

From: Eggleston, Jill A
Sent: Friday, January 28, 2011 7:25 AM
To: Andoh, Roger D
Subject: RE: RE: NRC2009051346

I think we need to talk about this one. Thanks, Jill

Jill A. Eggleston
Assistant Center Director
Department of Homeland Security
U.S. Citizenship and Immigration Services
National Records Center
FOIA/PA Division
(816) 350-5521
jill.eggleston@dhs.gov

From: Andoh, Roger D
Sent: Wednesday, January 26, 2011 2:33 PM
To: Eggleston, Jill A
Subject: RE: NRC2009051346

Jill,

This case is ready for review and approval. Thanks

Roger

Roger Andoh
Supervisory Paralegal Specialist
Significant Interest Group (SIG)
USCIS/NRC

 (b)(6)

Andoh, Roger D

From: Andoh, Roger D
Sent: Friday, January 28, 2011 7:30 AM
To: Eggleston, Jill A
Subject: RE: RE: NRC2009051346

I will be right there.

Roger Andoh
Supervisory Paralegal Specialist
Significant Interest Group (SIG)
USCIS/NRC

[REDACTED] (b)(6)

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[REDACTED] (b)(6)

Andoh, Roger D

From: Eggleston, Jill A
Sent: Friday, January 28, 2011 8:00 AM
To: Andoh, Roger D
Subject: FW: RE: NRC2009051346

Okay, this one is assigned to you in Admin.

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Andoh, Roger D

From: Andoh, Roger D
Sent: Friday, January 28, 2011 1:35 PM
To: Eggleston, Jill A
Cc: Andoh, Roger D
Subject: RE: NRC2009051346 (Delegation Of Authority Request)

Jill,

The requester no longer works for the law firm. I will send out an interim interest letter, because it's not obvious from the letter, if the request was on behalf of the Murphy Law Firm.

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Andoh, Roger D

From: Eggleston, Jill A
Sent: Sunday, January 30, 2011 9:14 AM
To: Andoh, Roger D
Subject: RE: RE: NRC2009051346 (Delegation Of Authority Request)

Wouldn't you know it...

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Andoh, Roger D

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To: Eggleston, Jill A
Subject: RE: RE: NRC2009051346 (Delegation Of Authority Request)

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USCIS/NRC



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Andoh, Roger D

From: Andoh, Roger D
Sent: Monday, January 31, 2011 9:13 AM
To: Bellisime, Tracy A; Eggleston, Jill A
Subject: RE: 10 oldest cases

FYI Tracy



NRC2009051346- Interim Interest Letter mailed-

Thanks,

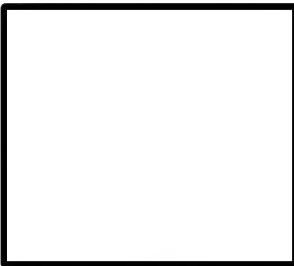
Roger

Roger Andoh
Supervisory Paralegal Specialist
Significant Interest Group (SIG)
USCIS/NRC



From: Bellisime, Tracy A
Sent: Monday, January 31, 2011 9:05 AM
To: Andoh, Roger D; Eggleston, Jill A
Subject: 10 oldest cases

Roger, I was working on the 10 oldest cases and I notice that a lot of the SIG groups have final action codes attached to them. Are we waiting on DHS to approve the closing?



NRC2009051346



If we think these
are going to be
closed shortly, I
don't have to

(b)(6)

Andoh, Roger D

From: Andoh, Roger D
Sent: Tuesday, March 01, 2011 6:41 AM
To: Cornell, Cynthia M
Subject: RE: NRC2009051346

Thanks Cindy for letting me know.

Roger Andoh

Supervisory Paralegal Specialist

Significant Interest Group (SIG)

USCIS/NRC



(b)(6)

From: Cornell, Cynthia M
Sent: Monday, February 28, 2011 2:38 PM
To: Andoh, Roger D
Subject: NRC2009051346

Hi Roger,

You have case NRC2009051346 assigned to you in Records Locator in the COW queue. Per a case note you are sending out an interim interest letter - the letter will not print as long as this case is sitting in Records Locator. The slot say 'editing' so your letter has never gone out from 1-29-11.

Might need to pull the case in RL and pend it.

Thanks

Cindy

Have a *~")

(. . . (. . . * Wonderful day!

Cindy Cornell
DHS, USCIS
National Records Center



(b)(6)

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Andoh, Roger D

From: Andoh, Roger D
Sent: Thursday, March 17, 2011 7:23 AM
To: Alli; Akin O; Austin, Deon T; Greenwood, Tembra A; Holt, Cynthia L; Kloiber, Joyce E; Watermann, Melissa K
Subject: RE: Status Oldest cases March 2011
Attachments: Status of Oldest Cases March 2011.xls

We have made significant progress in closing our 2009 cases. We have a few left and hopefully we can clear them soon.

Roger

Roger Andoh
Supervisory Paralegal Specialist
Significant Interest Group (SIG)
USCIS/NRC

 (b)(6)

Andoh, Roger D

From: Andoh, Roger D
Sent: Saturday, April 16, 2011 1:55 PM
To: Austin, Deon T
Subject: RE: NRC2009051346

Deon,

FYI –Please follow on records.

Roger Andoh
Supervisory Paralegal Specialist
Significant Interest Group (SIG)
USCIS/NRC

 (b)(6)

Andoh, Roger D

From: Atkinson, Ronald A [REDACTED]
Sent: Thursday, April 28, 2011 12:29 PM
To: Austin, Deon T
Cc: Andoh, Roger D
Subject: RE: FOIA request NRC2009051346

Deon:

The 8/25 draft is the last work product relating to this effort. Subsequent meetings and phone calls resolved the issue and no further versions of this paper were circulated or considered.

I hope that this is helpful, but if not, please let me know.

Thanks,

...Alan

Ronald Alan Atkinson

Chief of Staff - FDNS



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From: Austin, Deon T [REDACTED]
Sent: Monday, April 04, 2011 1:33 PM
To: Atkinson, Ronald A
Cc: Andoh, Roger D
Subject: FW: FOIA request NRC2009051346

Good morning, my name is Deon Austin and I work in the Freedom of Information Act Division at the National Records Center in Lee's Summit, MO with Cindy Holt. We received a draft dated 8-25-2009 in reference to "Delegated Authorities of USCIS to Combat Benefit Fraud". If possible can you provide me with a copy of the final version of the information highlighted below?

Deon T. Austin

Paralegal Specialist

DHS / USCIS

National Records Center

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From: Atkinson, Ronald A

Sent: Wednesday, November 04, 2009 1:20 PM

To: NRC, FOIASIG

Cc: Holt, Cynthia L; Erdberg, Leanne E; Kellner, Aris R; Coffin, Richard H

Subject: RE: FOIA request NRC2009051346

Ms. Holt:

Attached are documents that HQFDNS believes are responsive to the request. Each is discussed to give you an idea of what we have.

(b)(5)

If you have any questions regarding any of these documents, their purposes, or the sensitivities relating to them, please let me know.

Many thanks,

...Alan

<< File: ASV Atty Notification Response NOV 19 NSB_lisa (2).docm >> << File: Contact with Represented Parties (Signed).pdf >>

<< File: ASVAttyNotificationOutline.docm >>

<< File: Right to Counsel Civil Immigration Context.docm >>

<< File: Attorney Notification Fact Sheet Plain Language Edition_lisa_brad 01262009.docm >>

<< File: USCIS FDNS Authority 8-25-09.doc >>

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From: NRC, FOIASIG
Sent: Thursday, September 17, 2009 6:57 AM
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Mr. Atkinson,

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I have attached a FOIA request, for your review, that may relate to information your office could provide.

If your office locates records responsive to the requested material, please provide us with a copy of the records in addition to the completed and signed staffing letter which is also included.

If your office does not have any records responsive to the FOIA request, please provide us with a negative or "no record" response and detail the search conducted on the second page of the staffing letter. Please date and sign the page also.

If I am contacting you in error and you are not the correct point of contact for this information, please provide us with another point of contact. I appreciate any assistance that you are able to provide. Please feel free to contact me with any questions.

Thank you for your time and assistance,

Cindy Holt

Paralegal Specialist

USCIS/NRC FOIA Division



(b)(6)

Andoh, Roger D

(b)(6)

From: Andoh, Roger D
Sent: Thursday, April 28, 2011 12:30 PM
To: Austin, Deon T
Subject: RE: FOIA request NRC2009051346

Good enough for me. Thanks Deon. Please scan his e-mail as a CSD.

Roger

Roger Andoh
Supervisory Paralegal Specialist
Significant Interest Group (SIG)
USCIS/NRC

From: Austin, Deon T
Sent: Thursday, April 28, 2011 12:29 PM
To: Andoh, Roger D
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FYI

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Paralegal Specialist
DHS / USCIS
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USCIS/NRC FOIA Division

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Atkinson, Ronald A

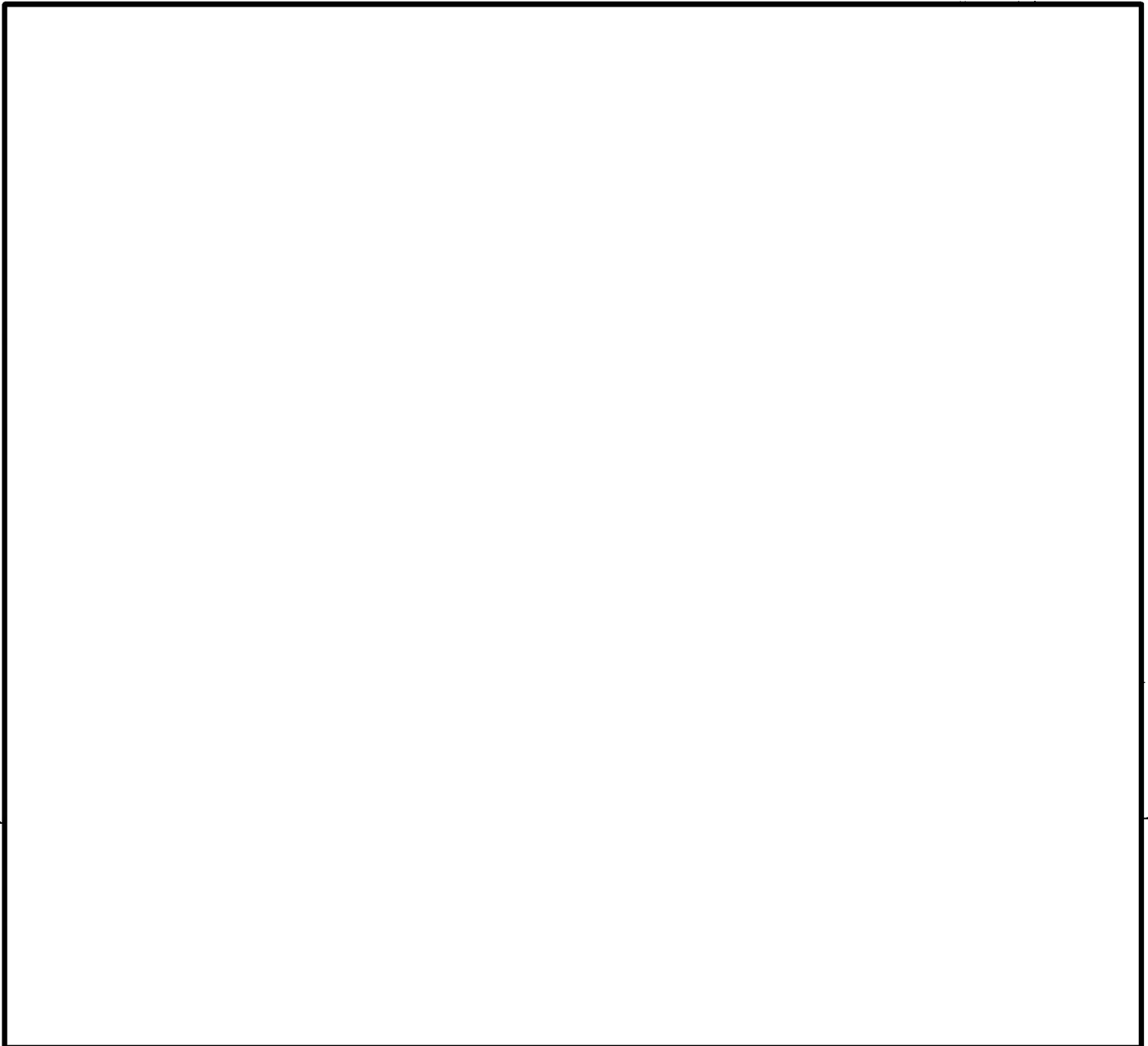
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Cindy Holt
Paralegal Specialist
USCIS/NRC FOIA Division

 (b)(6)

Atkinson, Ronald A

From: Erdberg, Leanne E
Sent: Tuesday, November 03, 2009 4:03 PM
To: Atkinson, Ronald A
Subject: FW: ASVVP FOIA request
Attachments: NRC2009051346.pdf

Did you get a chance to review this FOIA request? It was the first FOIA from about a month ago- I can resend the materials following this email in case it fell off the radar.

Best,
Leanne

From: Case, Mary Ann
Sent: Tuesday, November 03, 2009 4:01 PM
To: Erdberg, Leanne E
Subject: FW: ASVVP FOIA request

Hi Leanne,

Has FDNS closed this one out? Thanks.

From: Holt, Cynthia L
Sent: Tuesday, November 03, 2009 2:42 PM
To: Case, Mary Ann
Subject: FW: ASVVP FOIA request

I'm sorry, I thought I forwarded this to you a month ago. I understand you might be my point of contact for this FOIA request. I will attach a copy of the request for your review. Please see the e-mail traffic below.

Cindy Holt
Paralegal Specialist
NRC/USCIS
FOIA/PA Division

[REDACTED] (b)(6)

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From: NRC, FOIASIG
Sent: Thursday, October 01, 2009 12:07 PM
To: Holt, Cynthia L
Subject: RE: ASVVP FOIA request

Ms. Case,

Hello, my name is Cindy and I work for USCIS, FOIA/PA Division at the National Records Center. It is my understanding that you will be providing the information we need for this FOIA request. Do you need a copy of the request forwarded to you? Please track the time spent on gathering the information for this request. We have a form to complete that was attached to the request that needs to be completed. I appreciate your assistance in providing this information as expeditiously as possible. Please feel free to contact me if you have any questions.

Thank you,

Cindy Holt
Paralegal Specialist
USCIS/NRC
FOIA/PA Division

[REDACTED] (b)(6)

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10/25/2011

From: Gentry, Anthony E [mailto:anthony.gentry@dhs.gov]
Sent: Tuesday, September 29, 2009 2:53 PM
To: Case, Mary Ann; Gentry, Anthony E; Zill, Katherine F; OCC-Clearance
Cc: Rosenstock, Peter; Atkinson, Ronald A; Coffin, Richard H; Crocetti, Don; Ratliff, Gerri; Smith, Gregory B; Holt, Cynthia L; Erdberg, Leanne E; O'Bryant, Ryan; Bittner, Adrian; Banks, Eric N
Subject: RE: ASVVP FOIA request

Adding Eric banks.

Mary Ann,

Please work directly with the FOIA office and provide it any documents you deem may be responsive to the FOIA request. The FOIA Office will review the document(s) and determine if it is releasable (in whole or part) or not. If the FOIA Office has questions regarding the legality of releasing (or not) a particular document it will work with attorneys in the Commercial and Administrative Law Division. As for the particular attachment, it is my recollection that this is still a draft document still undergoing legal review (i.e., pre-decisional)?

Thanks

Tony

Anthony E. Gentry
Chief
National Security & Records Verification Law Division
Office of Chief Counsel
US Citizenship and Immigration Services

(b)(6)

This e-mail (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain Attorney Work Product information that is privileged, confidential, or otherwise protected by applicable law. If the reader of this e-mail is not the intended recipient or the employee or agent responsible for delivering the e-mail to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this e-mail or its contents is strictly prohibited. If you have received this e-mail in error, please notify us immediately by replying to this message, and please destroy all copies of this e-mail.

From: Case, Mary Ann [redacted] (b)(6)
Sent: Tuesday, September 29, 2009 3:39 PM
To: Gentry, Anthony E; Zill, Katherine F; OCC-Clearance
Cc: Rosenstock, Peter; Atkinson, Ronald A; Coffin, Richard H; Crocetti, Don; Ratliff, Gerri; Smith, Gregory B; Holt, Cynthia L; Erdberg, Leanne E; O'Bryant, Ryan; Bittner, Adrian
Subject: ASVVP FOIA request

Katherine and Tony,

Thank you for recent review and edits to the ASVVP Alert #1 (additional guidance for Site Inspectors). We now have a FOIA requesting documents on our authority to conduct site visits that illustrates why we need the ASVVP authorities document to be finalized.

Please let me know what we want to release for this FOIA request. Thank you.

<<NRC2009051346.pdf>> <<USCIS FDNS Authority 8-25-09.doc>>
Mary Ann

From: O'Bryant, Ryan
Sent: Monday, September 28, 2009 2:42 PM
To: Case, Mary Ann
Subject: RE: FOIA request

Mary Ann:

I believe the "authorities" document answers the questions in the FOIA Request.

10/25/2011

(b)(6)

Ryan

Ryan

O'Bryant [DHS|USCIS|Fraud Detection and National Security|Immigration Officer](: [REDACTED])
[REDACTED]

From: Case, Mary Ann
Sent: Monday, September 28, 2009 11:23 AM
To: O'Bryant, Ryan
Cc: Bittner, Adrian
Subject: FW: FOIA request

Ryan,

Please review and let me know if our "authorities" document pending OCC Clearance covers this request. Thanks.

From: Atkinson, Ronald A
Sent: Monday, September 28, 2009 11:17 AM
To: Rosenstock, Peter; Case, Mary Ann
Cc: Erdberg, Leanne E; Kellner, Aris R
Subject: FW: FOIA request

FOIA request.

Ronald Alan Atkinson
Chief of Staff - HQ FDNS
[REDACTED]

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From: NRC, FOIASIG
Sent: Thursday, September 17, 2009 7:11 AM
To: Atkinson, Ronald A
Subject: FOIA request

I am sorry. I did not attach the request for you to review before I sent the previous e-mail.

<< File: NRC2009051346.pdf >>

Cindy Holt
Paralegal Specialist
USCIS/NRC
FOIA/PA Division
[REDACTED]

From: Atkinson, Ronald A
Sent: Monday, September 28, 2009 11:17 AM
To: Rosenstock, Peter; Case, Mary Ann
Cc: Erdberg, Leanne E; Kellner, Aris R
Subject: FW: FOIA request NRC2009051346

Mr. Rosenstock:

Below is an email regarding a FOIA request I believe to involve the ASVVP. I suspect that FDB will have most of the documents responsive to this request. Please determine whether there are any requirements for information beyond FDNS and what those are (DOMOPS/SCOPS, for instance). Please coordinate with Ms. Erdberg to collect responsive documents.

(b)(6)

10/25/2011

Following this email will be a second, with the request attached.

If you have any questions, please let me know.

Thanks,
...Alan

Ronald Alan Atkinson
Chief of Staff - HQ FDNS



(b)(6)

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From: NRC, FOIASIG
Sent: Thursday, September 17, 2009 6:57 AM
To: Atkinson, Ronald A
Subject: FOIA request NRC2009051346

Mr. Atkinson,

Good morning, my name is Cindy Holt and I work in the Freedom of Information Act Division at the National Records Center in Lee's Summit, MO. You were kind enough to meet with my supervisor Tracy Bellissime and I in August.

I have attached a FOIA request, for your review, that may relate to information your office could provide.

If your office locates records responsive to the requested material, please provide us with a copy of the records in addition to the completed and signed staffing letter which is also included.

If your office does not have any records responsive to the FOIA request, please provide us with a negative or "no record" response and detail the search conducted on the second page of the staffing letter. Please date and sign the page also.

If I am contacting you in error and you are not the correct point of contact for this information, please provide us with another point of contact. I appreciate any assistance that you are able to provide. Please feel free to contact me with any questions.

Thank you for your time and assistance,

Cindy Holt
Paralegal Specialist
USCIS/NRC FOIA Division



(b)(6)

10/25/2011

Atkinson, Ronald A

From: Kellner, Aris R
Sent: Wednesday, November 04, 2009 12:58 PM
To: Atkinson, Ronald A
Subject: FW: FOIA request NRC2009051346
Attachments: NRC2009051346.pdf

Alan: this the FOIA request I referenced -- Leanne said she sent all the materials to you. Unfortunately, I was not copied. Can you tell me when you cleared it?

Thanks, Aris

PLEASE DO NOT FORWARD RESPONSES OUTSIDE THE PROGRAM WITHOUT FDNS/NSRV CONCURRENCE.

Aris R. Kellner |DHS|USCIS|FDNS| Adjudications Officer | HQFDNS - CoS Office | (:

(b)(6)

From: Erdberg, Leanne E
Sent: Friday, October 16, 2009 7:32 AM
To: Rosenstock, Peter; Fagan, David W
Cc: Atkinson, Ronald A; Kellner, Aris R
Subject: FW: FOIA request NRC2009051346

Hi Mr. Rosenstock, Mr. Fagan,

We are still digging on this FOIA request and I thought I would reach out to the branch aside from ASVVP (which is still working on this) to see if any other responsive documents exist. It looks like we are looking for a lot more on this subject. If we have any documents (anything went back and forth with legal, with SCOPS, with OFO, relating to the federal register notice, any policy papers or proposals or procedures, or anything else you can think of) that mentions the authority to conduct an administrative site visit, we need it.

I am also reaching out to NSB in case Mr. O'Brien's policy shop has anything on this. Let me know if I can help clarify any questions on this.

Thanks for all of your help!



NRC2009051346.p
df (333 KB)

Leanne

From: Atkinson, Ronald A
Sent: Monday, September 28, 2009 11:17 AM
To: Rosenstock, Peter; Case, Mary Ann
Cc: Erdberg, Leanne E; Kellner, Aris R
Subject: FW: FOIA request NRC2009051346

Mr. Rosenstock:

Below is an email regarding a FOIA request I believe to involve the ASVVP. I suspect that FDB will have most of the

documents responsive to this request. Please determine whether there are any requirements for information beyond FDNS and what those are (DOMOPS/SCOPS, for instance). Please coordinate with Ms. Erdberg to collect responsive documents.

Following this email will be a second, with the request attached.

If you have any questions, please let me know.

Thanks,
...Alan

Ronald Alan Atkinson
Chief of Staff - HQ FDNS

(b)(6)

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From: NRC, FOIASIG
Sent: Thursday, September 17, 2009 6:57 AM
To: Atkinson, Ronald A
Subject: FOIA request NRC2009051346

Mr. Atkinson,

Good morning, my name is Cindy Holt and I work in the Freedom of Information Act Division at the National Records Center in Lee's Summit, MO. You were kind enough to meet with my supervisor Tracy Bellisime and I in August.

I have attached a FOIA request, for your review, that may relate to information your office could provide.

If your office locates records responsive to the requested material, please provide us with a copy of the records in addition to the completed and signed staffing letter which is also included.

If your office does not have any records responsive to the FOIA request, please provide us with a negative or "no record" response and detail the search conducted on the second page of the staffing letter. Please date and sign the page also.

If I am contacting you in error and you are not the correct point of contact for this information, please provide us with another point of contact. I appreciate any assistance that you are able to provide. Please feel free to contact me with any questions.

Thank you for your time and assistance,

Cindy Holt
Paralegal Specialist
USCIS/NRC FOIA Division

(b)(6)

Atkinson, Ronald A

From: Holt, Cynthia L
Sent: Wednesday, November 04, 2009 3:09 PM
To: Atkinson, Ronald A
Subject: RE: FOIA request NRC2009051346

Thank you for your response. I appreciate your assistance with this request.

Cindy Holt
Paralegal Specialist
NRC/USCIS -
FOIA/PA Division

[REDACTED] (b)(6)

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From: Atkinson, Ronald A
Sent: Wednesday, November 04, 2009 1:20 PM
To: NRC, FOIASIG
Cc: Holt, Cynthia L; Erdberg, Leanne E; Kellner, Aris R; Coffin, Richard H
Subject: RE: FOIA request NRC2009051346

Ms. Holt:

Attached are documents that HQFDNS believes are responsive to the request. Each is discussed to give you an idea of what we have.

(b)(5)



(b)(5)

If you have any questions regarding any of these documents, their purposes, or the sensitivities relating to them, please let me know.

Many thanks,
...Alan

<< File: ASV Atty Notification Response NOV 19 NSB_lisa (2).docm >> << File: Contact with Represented Parties (Signed).pdf >>

<< File: ASVAttyNotificationOutline.docm >>

<< File: Right to Counsel Civil Immigration Context.docm >>

<< File: Attorney Notification Fact Sheet Plain Language Edition_lisa_brad 01262009.docm >>

<< File: USCIS FDNS Authority 8-25-09.doc >>

<< File: Osunsanya (Right to Counsel).rtf >> << File: Boukhris (Right to Counsel).rtf >>

Ronald Alan Atkinson
Chief of Staff - HQ FDNS

(b)(6)

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From: NRC, FOIASIG
Sent: Thursday, September 17, 2009 6:57 AM
To: Atkinson, Ronald A

Subject: FOIA request NRC2009051346

Mr. Atkinson,

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If I am contacting you in error and you are not the correct point of contact for this information, please provide us with another point of contact. I appreciate any assistance that you are able to provide. Please feel free to contact me with any questions.

Thank you for you time and assistance,

Cindy Holt
Paralegal Specialist
USCIS/NRC FOIA Division

(b)(6)

Kloiber, Joyce E

From: Atkinson, Ronald A
Sent: Tuesday, October 25, 2011 4:56 PM
To: Kloiber, Joyce E
Cc: Karam, Lauren J; Kellner, Aris R
Subject: FW: FOIA request NRC2009051346 (In Response to COW2011000925)

(b)(5)

Attachments:



Ms. Kloiber:

As mentioned in my previous email, below is the forwarded November 4, 2009 email, with attachments. Please note the request to withhold certain documents and statements in my previous email.

If any questions, please let me know directly.

Many thanks,
...Alan

Ronald Alan Atkinson
Chief of Staff - FDNS



(b)(6)

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From: Atkinson, Ronald A
Sent: Wednesday, November 04, 2009 2:20 PM
To: NRC, FOIASIG
Cc: Holt, Cynthia L; Erdberg, Leanne E; Kellner, Aris R; Coffin, Richard H
Subject: RE: FOIA request NRC2009051346

Ms. Holt:

Attached are documents that HQFDNS believes are responsive to the request. Each is discussed to give you an idea of what we have.

(b)(5)



(b)(5)



If you have any questions regarding any of these documents, their purposes, or the sensitivities relating to them, please let me know.

Many thanks,
...Alan



(b)(5)

(b)(5)



Osunsanya Boukhris (Right
ght to Counsel).to Counsel).rt...

Ronald Alan Atkinson
Chief of Staff - HQ FDNS

(b)(6)

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From: NRC, FOIASIG
Sent: Thursday, September 17, 2009 6:57 AM.
To: Atkinson, Ronald A
Subject: FOIA request NRC2009051346

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Thank you for your time and assistance,

Cindy Holt



(b)(6)

DELEGATED AUTHORITIES OF USCIS TO COMBAT BENEFIT FRAUD¹

The Secretary of Homeland Security is authorized to administer and enforce the immigration laws. The Secretary has complete discretion to delegate his authority to any DHS employee including USCIS employees.

8 CFR § 2.1 -- Authority of the Secretary of Homeland Security.

All authorities and functions of the Department of Homeland Security to administer and enforce the immigration laws are vested in the Secretary of Homeland Security. The Secretary of Homeland Security may, **in the Secretary's discretion, delegate any such authority or function to ANY official, officer, or employee** of the Department of Homeland Security, including delegation through successive re-delegation, or to any employee of the United States to the extent authorized by law. Such delegation may be made by regulation, directive, memorandum, or other means as deemed appropriate by the Secretary in the exercise of the Secretary's discretion. A delegation of authority or function may in the Secretary's discretion be published in the Federal Register, but such publication is not required.

The Secretary of Homeland Security delegated to USCIS the authority to administer the immigration laws including the authority to investigate civil and criminal violations involving applications for benefits.

Delegation to the Bureau of Citizenship and Immigration Services, Department of Homeland Security Delegation Number: 0150.1, Issue Date: 06/05/2003

Following the dissolution of the INS and the creation of the Department of Homeland Security (DHS) on March 1, 2003, authority to "administer the immigration laws" was delegated to USCIS. See Delegation 0150.1(II)(H).

Authority to investigate alleged civil and criminal violations of the immigration laws, including but not limited to alleged fraud with respect to applications or determinations within the [USCIS] and make recommendations for prosecutions, or other appropriate action when deemed advisable. See Delegation 0150.1(II)(i)

The Secretary of Homeland Security delegated to USCIS a wide range of investigative authorities.

Delegation to the Bureau of Citizenship and Immigration Services, Department of Homeland Security Delegation Number: 0150.1, Issue Date: 06/05/2003

¹ Prepared by HQFDNS (FDB), 8/13/09. Awaiting formal review of OCC.

The Secretary of Homeland Security (Secretary) specifically delegated to USCIS the "authority to interrogate aliens and issue subpoenas, administer oaths, take and consider evidence, and fingerprint and photograph aliens under sections 287(a), (b), and (f) of the INA, 8 U.S.C. 14576 and under 235(d) of the INA, 8 U.S.C. 1225(d)." See Delegation 0150.1(II)(S)

USCIS and ICE were granted concurrent authority to investigate benefit fraud. Through written agreement, ICE agreed to take the lead on criminal investigations. USCIS agreed to focus on detecting and combating fraud associated with applications and petitions.

Memorandum of Agreement Between USCIS and ICE on the Investigation of Immigration Benefit Fraud, September 25, 2008

In Section 2(I) of DHS Delegation Number 0150.1, Delegation to the Bureau of Citizenship and Immigration Services, and in section 2(I) of DHS Delegation Number 7030.2, Delegation of Authority to the Assistant Secretary for the Bureau of Immigration and Customs Enforcement, **USCIS and ICE received concurrent authority** to investigate fraud involving immigration benefits available under the Immigration and Nationality Act (INA).

The Secretary of Homeland Security has properly delegated authority to immigration officers including immigration officers that work for FDNS.

8 CFR § 103.1 - Delegations of authority; designation of immigration officers.

(a) *Delegations of authority.* Delegations of authority to perform functions and exercise authorities under the immigration laws may be made by the Secretary of Homeland Security as provided by § 2.1 of this chapter.

(b) *Immigration Officer.* Any immigration officer, immigration inspector, immigration examiner, adjudications officer, Border Patrol agent, aircraft pilot, airplane pilot, [*10924] helicopter pilot, deportation officer, detention enforcement officer, detention officer, investigator, special agent, investigative assistant, intelligence officer, intelligence agent, general attorney, applications adjudicator, contact representative, chief legalization officer, supervisory legalization officer, legalization adjudicator, legalization officer and legalization assistant, forensic document analyst, fingerprint specialist, immigration information officer, immigration agent (investigations), asylum officer, other officer or employee of the Department of Homeland Security or of the United States as designated by the Secretary of Homeland Security as provided in § 2.1 of this chapter, or senior or supervisory officer of such employee, **is hereby designated as an immigration officer authorized to exercise the powers and duties of such officer as specified by the Act and this chapter.**

As duly appointed immigration officers, FDNS officers may interrogate or interview aliens based on the authority delegated by the Secretary of Homeland Security.

8 CFR § 287 Powers of Immigration Officers and Employees

(a) *Powers without warrant.* **Any officer or employee** of the Service authorized under regulations prescribed by the [Secretary] shall have power without warrant to interrogate any alien or person believed to be an alien as to his right to be or to remain in the United States

In cases involving the religious worker visa category, USCIS' personnel are specifically authorized by regulation to conduct on-site inspections. By extension, clearly the Secretary of Homeland Security has the power to delegate his authority and authorize USCIS personnel to carry out on-site inspections in similar contexts.

8 CFR § 214.2(r) Special Requirements for admission, extension, and maintenance of status.

(16) Inspections, evaluations, verifications, and compliance reviews.

The supporting evidence submitted may be verified by USCIS through any means determined appropriate by USCIS, up to and including an on-site inspection of the petitioning organization. The inspection may include a tour of the organization's facilities, an interview with the organizations officials, a review of selected organization records relating to compliance with immigration laws and regulations, and an interview with any other individuals or review of any other records that the USCIS considers pertinent to the integrity of the organization. An inspection may include the organization headquarters, or satellite locations, or the work locations planned for the applicable employee. If USCIS decides to conduct a pre-approval inspection satisfactory completion will be a condition for approval of any petition.

The form instructions for the visa petitions affected by the Site Visit program advises petitioners that by signing the petition consent is granted to verify the information contained therein. This consent includes permission to conduct unannounced physical site inspections.

See Form Instructions for Form I-129, I-140, I-360, and I-526

USCIS Compliance Review and Monitoring

By signing this form, you have stated under penalty of perjury (28 U.S.C. 1746) that all information and documentation submitted with this form is true and correct. You also have authorized the release of any information from your records that USCIS may need to determine eligibility for the benefit you are seeking and consented to USCIS verification of such information.

The Department of Homeland Security has the right to verify any information you submit to establish eligibility for the immigration benefit you are seeking at any time. Our legal right to verify this information is in 8 U.S.C. 1103, 1155, 1184, and 8 CFR parts 103, 204, 205, and 214. To ensure compliance with applicable laws and authorities, USCIS

may verify information before or after your case has been decided. Agency verification methods may include, but are not limited to: review of public records and information; contact via written correspondence, the Internet, facsimile or other electronic transmission, or telephone; unannounced physical site inspections of residences and places of employment; and interviews. Information obtained through verification will be used to assess your compliance with the laws and to determine your eligibility for the benefit sought.

Subject to the restrictions under 8 CFR part 103.2(b)(16), you will be provided an opportunity to address any adverse or derogatory information, that may result from a USCIS compliance review, verification, or site visit after a formal decision is made on your case or after the agency has initiated an adverse action which may result in revocation or termination of an approval.

FY2004 Appropriations Bill.

The Congressional Record (H9145) of October 2004, reflects Congress accommodated the Administration's request to increase the resources available for *benefit fraud enforcement*, and specifically tasked USCIS, through its Office of Fraud Detection and National Security (FDNS), responsibility for developing, implementing, directing, and overseeing the joint USCIS and ICE anti-fraud initiative.